

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MBODY MINIMALLY INVASIVE SURGERY, P.C.,
NICK GABRIEL, D.O., JODIE BREWER and ERIN
NASTRO,

DOC#
DATE FILED: 10 | 23 | 2014

Plaintiff,

Civil Act. No.: 14-cv-2495(ER)

-against-

STIPULATION

UNITED HEALTHCARE INSURANCE
COMPANY, UNITED HEALTHCARE OF NEW
YORK, UNITED HEALTHCARE SERVICE, LLC,
and UNITED HEALTHCARE SERVICES, INC.,

Defendants.

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IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel on behalf of all parties,

that:

(1) Plaintiffs, Defendants, their counsel and/or agents, will refrain from contacting Defendants' Members and representing to them that Plaintiffs were or were not in-network providers in Defendants' participating provider networks in connection with the claims forming the basis for this action, other than to note that Plaintiffs' network status is a matter of dispute in this action;

(2) Plaintiffs will not issue balance bills and invoices for services rendered to Defendants' Members on any claim forming the basis of this lawsuit based on representations that the services were rendered on an out-of-network basis, except that the parties agree to revisit this issue if the claims appear to be close to being barred by any statute of limitations, and Defendants agree that they will not assert any defense based on Plaintiffs' failure to collect these amounts after October 21, 2014, except that Defendants expressly reserve the right to rely on any defense concerning Plaintiffs' failure to collect these amounts on or prior to October 21, 2014;

(3) Plaintiffs will not take any steps to prosecute or otherwise move forward with lawsuits or other collections efforts against Defendants' Members with respect to any claim forming the basis of this action

based on allegations that the services in question were rendered on an out-of-network basis, except if necessary to preserve a claim, and Plaintiffs will give prior notice to Defendants of such steps; and

(4) Plaintiffs, and their counsel and/or agents, will refrain from contacting Defendants, including their employees, concerning the subject matter of this litigation, other than via discovery in the normal course of litigation, or for the purpose of submitting administrative appeals;

IT IS FURTHER STIPULATED AND AGREED THAT, Defendants' Order to Show Cause for a preliminary injunction pursuant to Rule 65, FED. R. CIV. P. is withdrawn except with respect to that portion of Defendants' motion that seeks an order enjoining Plaintiffs, their counsel and/or agents, from contacting Defendants' Members concerning any claim that forms the basis of this litigation to obtain new or revised assignments of benefits.

DATED: October 22, 2014
New York, New York

/s/ Michael H. Bernstein

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ISSUED: October 23, 2014



HON. EDGARDO RAMOS
United States District Judge